

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**THE INSURANCE SHOPPE OF NORTH  
CAROLINA, INC.,**

**Plaintiff,**

**v.**

**WEST AMERICAN INSURANCE  
COMPANY,**

**Defendant.**

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Civil Action No. 5:19-cv-00256-FL**

**STIPULATED ORDER UNDER FED. R. EVID. 502(d)**

Plaintiff, The Insurance Shoppe of North Carolina, Inc. (“Insurance Shoppe”), and Defendant, West American Insurance Company (“West American”) (together, “the Parties”) jointly request that this Court issue an Order pursuant to Federal Rule of Evidence 502(d) to facilitate production and use of certain documents in this proceeding and to protect Insurance Shoppe against waiver of any privileges or protections attaching to those documents.

WHEREAS, Insurance Shoppe will produce attorneys’ fees invoices from *Harrington Companies, LLC v. The Insurance Shoppe of North Carolina, Inc.*, Case No. 18-CVS-465, in the General Court of Justice Superior Court Division of Lee County in the State of North Carolina (“State Action”) that contain information covered by the attorney-client privilege or work product protection;

WHEREAS, absent a Court order, under certain circumstances, the production of privileged or protected information can operate as a waiver of any applicable privilege, protection, and immunity with respect to disclosure in this case, the State Action, and other federal or state proceedings;

WHEREAS, West American represents such documents are necessary to evaluate the amount of indemnification Insurance Shoppe seeks in this case for damages, costs, expenses, and attorneys’ fees incurred in the State Court Action;

WHEREAS, Fed. R. Evid. 502(d) states that “[a] federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court – in which event the disclosure is also not a waiver in any other federal or state proceeding;”

WHEREAS, this Court finds good cause to issue an order pursuant to Fed. R. Evid. 502(d);

WHEREAS, this Court shall retain jurisdiction over any matter or dispute arising from or relating to the implementation of this Order.

**IT IS HEREBY STIPULATED AND ORDERED** that, pursuant to Fed. R. Evid. 502(d), Insurance Shoppe’s disclosure and production of the attorneys’ fees invoices from the State Action produced pursuant to this Order in this proceeding shall not, for the purposes of this proceeding or any other proceeding in any other federal or state court, constitute a waiver by Insurance Shoppe of any privilege or protection applicable to those documents, including the attorney-client privilege, work product protection, and any other privilege or protection recognized by law.

The documents produced pursuant to this Order are considered Confidential under the Confidentiality Agreement signed in this case on January 25, 2021 by counsel for West American and on January 26, 2021 by counsel for Insurance Shoppe and shall be filed under seal.

Any party in any other proceeding in any other federal or state court receiving any documents produced pursuant to this Order shall return them to Insurance Shoppe or its agent, upon request, within five (5) business days of receiving such request, delete any versions of the documents it maintains, and make no use of the information contained therein regardless of whether the receiving party agrees with the claim of privilege and/or work product protection.

Within ten (10) days after entry of this Order, Insurance Shoppe shall produce to West American the attorneys’ fees invoices from the State Action and any other related information that is the subject of this Order.

**STIPULATED AND AGREED.**

Dated: April 9, 2021

HUNTON ANDREWS KURTH LLP

/s/ Syed S. Ahmad

Syed S. Ahmad (*by special appearance*)  
2200 Pennsylvania Avenue, NW  
Washington, DC 20037  
Tel: (202) 955-1656  
Fax: (202) 862-3619  
sahmad@HuntonAK.com  
DC Bar No. 493571

Daniel Hentschel (*by special appearance*)  
1111 Brickell Avenue, Suite 2500  
Miami, FL 33131  
Tel: (305) 810-2500  
Fax: (305) 810-2460  
dhentschel@huntonak.com  
FL Bar No. 123564

Geoffrey B. Fehling (*by special appearance*)  
2200 Pennsylvania Avenue, NW  
Washington, DC 20037  
Tel: (202) 955-1944  
gfehling@huntonak.com  
DC Bar No. 1018188  
PA Bar No. 569345

/s/ Kathleen E. Perkins

Kathleen E. Perkins  
101 South Tryon Street, Suite 3500  
Charlotte, North Carolina 28280  
Tel: (704) 378-4713  
Fax: (704) 378-4890  
kperkins@HuntonAK.com  
NC Bar No. 52340  
Local Civil Rule 83.1(d) Counsel

*Attorneys for Plaintiff*

**SO ORDERED.**

Dated: April 12, 2021

BUTLER WEIHMULLER KATZ CRAIG LLP

/s/ T. Nicholas Goanos

T. Nicholas Goanos  
11605 N. Community House Road, Suite 150  
Charlotte, NC 28277  
Tel: (704)-543-2321  
Fax: (704)-543-2324  
ngoanos@butler.legal  
N.C. Bar No.: 45656

*Attorney for Defendant*



Robert T. Numbers, II  
United States Magistrate Judge